

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EMON DAWKINS,

Plaintiff(s),

CASE NUMBER: 06-12053
HONORABLE VICTORIA A. ROBERTS

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant(s).

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION AND APPLICATION
TO PROCEED *IN FORMA PAUPERIS* ON APPEAL

On September 24, 2007, the Court granted Defendant Commissioner of Social Security's Motion for Summary Judgment (Doc. #20). The Court adopted Magistrate Judge Donald Scheer's Report and Recommendation. On October 9, 2007, Plaintiff asked that the Court reconsider its decision (Doc. #22). Plaintiff's motion was denied (Doc. #24). The Court denies Plaintiff's second Motion for Reconsideration (Doc. #28) for the same reasons.

Plaintiff also filed a Notice of Appeal of the Court's decision on October 18, 2007 (Doc. #25). He requests that the Court grant him *in forma pauperis* status for the appeal. Plaintiff's request is DENIED.

"An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. §1915(a)(3). "[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the

appeal has some merit.” *Walker v. O’Brien*, 216 F.3d 626, 632 (7th Cir. 2000); *Penny v. Booker*, 2006 WL 2008523 at *1 (E.D. Mich. July 17, 2006) (citing *Walker*).

The Court finds that Plaintiff’s claim lacks even arguable merit and, therefore, that his appeal is not taken in good faith. Plaintiff’s request to proceed *in forma pauperis* is DENIED. If Plaintiff wishes to proceed with his appeal, he must either pay the requisite fee or ask the Court of Appeals to grant him *in forma pauperis* status. See Fed. R. App. P. 24(a)(5).

IT IS ORDERED.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: October 19, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record and Emon Dawkins by electronic means or U.S. Mail on October 19, 2007.

s/Linda Vertriest

Deputy Clerk